ATTACHMENTS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Review of the	)	
Emergency Alert System	)	EB Docket No. 04-296
	)	

REPLY COMMENTS OF RADIOSHACK CORPORATION

Respectfully submitted

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I. Introduction

RadioShack Corporation (RadioShack) by its attorneys hereby replies to comments filed in the Commission's *Notice of Proposed Rulemaking* (NPRM) on the current state of the Emergency Alert System (EAS). Several parties filed comments demonstrating why the EAS and the National Oceanic and Atmospheric Administration's All-Hazards Network and specifically, the NOAA all-hazards weather radio system (NOAA all-hazards system) should not be replaced, but rather expanded and augmented. These parties indicate, as RadioShack has, that the federal government's responsibility and interest in protecting the public should first focus on ensuring the appropriate coordination, connectivity and use of the EAS and the NOAA Network by government agencies and by the public. Only as a second priority should the Commission or other appropriate federal agencies examine how additional technologies might be effectively integrated to expand the nation's warning capabilities. While RadioShack is a strong supporter of redundancy, several of the comments filed in this proceeding demonstrate the significant technological, cost and liability concerns associated with reliance on new warning systems or products.

Based on review of the comments filed in this proceeding, RadioShack reiterates its suggestion that the Commission, IAIP, FEMA, NOAA and state emergency managers take all necessary steps to finalize the connectivity upgrades already in process between the NOAA Network and EAS and then support the promotion and use of these systems on a broader basis by the public. With this basic warning capability in place, both the government and the private marketplace will be better positioned to address the use of additional technologies to ensure that the warnings originating on these systems ultimately reach the widest possible audience in the affected area.

II. There is Significant Support for Reliance on the Government's Current Public Warning Capabilities

A significant majority of the commenters support maintenance of the EAS system as a primary part of the nation's warning system.[1] A number of these commenters also specifically outline how the NOAA Network interacts with EAS and how the NOAA Network is used to disseminate warnings to both EAS for broadcast and to NOAA all-hazard weather radios and consumer electronics products incorporating them.[2] The Comments of Kenneth Putkovich provide insight into the EAS/NOAA relationship, and describe the significant commitment and investment the federal government has made in upgrading and expanding the NOAA Network.[3] Mr. Putkovich's Comments confirm

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[1] *See, e.g.*, Comments of the Consumer Electronics Association (CEA); Comments of Midland Radio Corporation; Comments of Rural Cellular Association (RCA); Comments of National Association of Broadcasters; Comments of CTIA – The Wireless Association; Comments of the National Cable & Telecommunications Association (NCTA); Comments of the Partnership for Public Warning (PPW), Comments of Kenneth Putkovich (Putkovich); Comments of Global Marketing Solutions, Inc.; Comments of the Federal Emergency Management Agency (FEMA).

[2] Putkovich, Executive Summary; RCA at 15-16, Declaration of Art Prest, technical consultant to RCA; CEA at 3-5; Midland at 6.

[3] Putkovich, Executive Summary and at III.B.23, III.C. 27. With 41 years experience as a federal government engineer and manager, including 15 years as Chief of Dissemination Systems at the NOAA National Weather Service, Ken Putkovich is uniquely qualified to comment on both the EAS and NOAA systems.

RadioShack's belief that an effective national warning infrastructure and architecture already exists.[4] With some improvements, many of which are already in progress, EAS would be part of "an overarching National Emergency Warning System (NEWS)" utilizing the NOAA NWS infrastructure as a communications backbone, providing access by emergency managers to the system through secure interfaces.[5] Several Commenters also note the importance of ensuring connectivity between federal agencies and emergency managers at the state and local levels.[6]

In addition to the support for the EAS and NOAA systems demonstrated in this proceeding, the comments also demonstrate the support of many in the private sector for the currently available consumer electronics products that receive NOAA signals. These products already include many of the features about which the Commission inquired in its NPRM. In addition to CEA and Midland, other parties, such as Mr. Putkovich, the Rural Cellular Association (RCA) and RCA's technical consultant, Art Prest, take note of

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[4] *Id.* at III.B. 26 and III.C.27. ComLabs raises concerns regarding the reliability of NOAA Weather Radio. Comments from ComLabs, Inc. and Made on behalf of the EmNet State Warning Alliance at 9-10 (EmNet). It is RadioShack's understanding that NOAA is currently addressing each of the issues that EmNet raised, through transmitter replacements (only 10-20% of broadcast sites still have a single transmitter) and through its national dissemination network planning and its HazCollect System, both under development. *See* RadioShack Comments at 13-16 for additional comments regarding current funding for improvements.

[5] Putkovich at III.B.26 and III.C.27. In FEMA's comments on an Integrated Public Warning System (IPAWS), FEMA indicates interest in "integrating NOAA's All Hazard Radio System into our IPAWs architecture." FEMA at 3. With significant respect for DHS' leadership in the public warning arena and its support for the NOAA Network, RadioShack respectfully urges DHS, the Commission and other federal agencies to recognize that it is the architecture of the NOAA Network and EAS system that should serve as the backbone for an IPAWS, with new elements integrated into them, not the other way around as FEMA suggests. Use of the NOAA and EAS systems as a backbone to the infrastructure for national warning is more consistent with several of the comments filed in this proceeding. *See* Putkovich, Executive Summary; CEA at 5-8; Midland at ¶¶ 6-9; Comments of RCA at 14 (citing the National Science and Technology Council's Report, *Effective Disaster Warnings*); RadioShack at 13, 17-18; PPW at 2. *See also Effective Disaster Warnings*, Report by the Working Group on Natural Disaster Information Systems, Subcommittee on Natural Disaster Reduction, National Science and Technology Council, Committee on Environment and Natural Resources, November 2000 at 24 (*Effective Disaster Warnings*).

[6] PPW at 23. *See generally,* Comments of North Carolina State Emergency Communications Committee (NCSECC); Comments of TFT Inc. Commenters recognize the importance of the recent Memorandum of Understanding entered into between IAIP and NOAA and also agree that a common alert protocol (CAP) would be helpful for connectivity.

the products' reliability and capabilities, as well as the commitments that companies like RadioShack have made to improving these products through the recent Public Alert standards created by CEA.[7] With the information provided to the Commission in this proceeding, it is evident that the EAS and NOAA Network combine to create a solid foundation to use today and to expand in the future.

III. There is Significant Evidence Demonstrating Why the Government Should Not Rely on Alternative Technologies in the Short-Term

Mr. Putkovich noted a concern that some members of the private sector have been "too narrowly focused on using new technology to deliver emergency warnings," while ignoring the critical need "to effectively collect warning information from credible sources and deliver it to those who have the means to deliver warnings in multiple ways."[8] RadioShack supports both redundancy and entrepreneurial endeavors which will provide the public with the best warning capabilities possible. However, RadioShack shares Putkovich's concerns that there are some private sector parties ignoring both the benefits of the current systems, as well as the obstacles in their own proposals. This Reply reviews some of the proposals made in the comments, highlighting technical concerns raised by some of these parties' proposals, as well as the cost and delay associated with them. Of overarching concern to RadioShack is the possibility that the federal government would dedicate significant resources to new warning systems in advance of promoting the vast capabilities already in place with EAS and the NOAA Network. Instead of, or at least in concert with, the consideration of new technologies, the federal government, led by DHS, the Commission, and NOAA, should

[7] Putkovich at III.F.36-39; RCA at 13-19, Declaration of Art Prest.
[8] Putkovich, Executive Summary. ComLabs also indicated that a public-private partnership is unnecessary. EmNet at 7.

initially devote the funds already appropriated to improving the system and educating the public on the use of the warning system already in place.

A. Use of Cellular

RadioShack supports the ability of consumers to receive alerts on their cell phones and PDAs and, as a number of Comments indicate, much of the technology already exists to support this capability.[9] Some proposals, however, suggest reliance on SMS or dedicated cell broadcast channels for the transmission of alerts.[10] The proposals of LogicaCMG and the Cellular Emergency Alert Service Association, in particular, would appear to require significant regulatory action by the Commission and may raise significant funding obstacles.[11] The Rural Cellular Association and CTIA discussed these technical and feasibility concerns regarding SMS and cellular broadcast in significant detail.[12] Consideration of these systems should not delay the implementation of a national warning system using technology that is already in place. In view of the concerns raised by RCA and CTIA, RadioShack supports the RCA's proposal to consider a more elegant solution that would incorporate public warning capability into a cell phone handset by enabling it to receive NOAA All Hazards broadcasts.[13]

B. Use of Satellite Radio

XM Radio and Sirius comment on the benefits of connecting satellite radio to EAS.[14] However, they also highlight a significant concern with the overall effectiveness

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[9] Putkovich at III.G. 41-42; CTIA at 8; RCA at 17.
[10] Comments of LogicaCMG; Comments of the Cellular Emergency Alert Service Association.
[11] Comments of LogicaCMG at 6, n. 3.
[12] See RCA Comments at 2-3, appendix White Paper on Emergency Alert Systems using Cellular Technology, October 2004; CTIA Comments at 7-9.
[13] RCA Comments at 4, 12-19. This would require the cell phone to "know where it is", possibly through use of GPS. Putkovich at III.G. 41. *See also* CTIA at 8. CTIA discusses the ability of cell phones to receive either the FM broadcast EAS alerts or the NOAA signal.
[14] *See* Comments of XM Radio Inc. and Comments of Sirius Radio Inc.

of satellite radio as a warning mechanism. Both XM and Sirius note that their coverage is nationwide.[15] Therefore, the provision of localized warning would require further study. XM suggests that it could disseminate warnings over its travel and weather channels for 21 metropolitan regions.[16] These limitations, of course, would not provide the appropriate level of localized coverage, currently available through EAS or the NOAA Network. In addition, transmission of alerts over satellite radio would be limited to either subscribers of the service providers or to those owning a satellite receiver. Thus, while satellite radio would serve as another technology to disseminate warnings from EAS and NOAA over "the last mile" (which RadioShack supports), the Commission should recognize its technical limitations at this time, particularly in comparison to NOAA weather radios and other products capable of receiving the NOAA signal.

C. Use of Landline Telephone

Verizon filed comments highlighting the significant concerns associated with relying too heavily on public switched telephone networks for warning purposes. Specifically, Verizon argues that use of the systems would require enhanced customer premises equipment and switching capacity. In addition, Verizon raises concerns regarding the system capacity limitations that would be encountered in attempting to notify large populations and the effect that such alerts would have in tying up communications channels when they are needed most.[17]

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[15] Comments of XM at 9-11; Comments of Sirius at 3.
[16] XM Comments at 3.
[17] Comments of Verizon at 3. Such concerns may also exist in the use of cell phones as well. RCA at 7.

D. Additional Concepts

A number of companies, organizations and individuals filed comments describing additional warning systems or concepts.[18] While these ideas may be worthy of consideration in the future, most require significant government investment and possible policy changes, both of which could delay the availability of a comprehensive public warning system today. Many of these comments also ignore the current capabilities of systems and products that are now in place.

As Mr. Putkovich shared in his comments, the government has studied public warning for a number of years.[19] Given the significant commitment to EAS and NOAA demonstrated in the comments filed in this proceeding, RadioShack is concerned with the volume of funds, conferences and studies proposed by PPW, particularly in consideration of the amount of work already performed by a number of government agencies and by the private sector.[20] A primary conclusion of the working group of the National Science and Technology Council in the oft-cited 2000 report, *Effective Disaster Warnings* stated that "A standard method should be developed to collect and relay instantaneously and automatically all types of hazard warnings and reports locally, regionally, and nationally for input into a wide variety of dissemination systems. *The National Weather Service (NWS) has the most advanced system of this type that could be expanded to fill the need.*"[21]

As the record demonstrates, the public and private sector commitments to the EAS and NOAA systems are significant. Full utilization of these systems should take

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[18] *See, e.g.*, Comments of Global Solutions Inc.; Comments of SatStream; Comments of SWN Communications, Inc.; Comments of Dr. Peter Ward.
[19] Putkovich, Executive Summary.
[20] *See* PPW at 4, 8, 9, 10 outlining a variety of requests for funding and further consideration.
[21] *Effective Disaster Warnings* at 7 (*emphasis added*).

priority over additional studies and exploration of new or alternative technologies. The 2000 Report also stated that "the most logical nucleus for a national system for collecting warnings for dissemination should be built around the NWS systems."[22] Complementing this report, was a second report released in December 1999 by the U.S. Department of Agriculture, the Federal Emergency Management Agency and the U.S. Department of Commerce.[23] It included as its primary recommendations that the Federal government should "put NOAA Weather Radio receivers where people live, work and gather", "increase public awareness about NOAA Weather Radios", and "use the existing NOAA system as the backbone of a National all-hazard warning network."[24]

IV. Conclusion

For the reasons set forth above, RadioShack urges the Commission, DHS, and NOAA to proceed on two tracks. First, these agencies must take the steps necessary to fully utilize and promote the EAS and NOAA Network to emergency managers and to the public as the backbone of the national and local warning system in place and available today. These systems could be needed at any time and to delay their full exploitation and use any longer is not responsible. In general, the NOAA Network should carry all relevant warnings that government officials intend to reach the public. The EAS system will also carry these warnings to those tuned to radio and television receivers and cable systems. Additional systems including the satellite system operated by NOAA and those that incorporate NWR or EAS reception into other devices will

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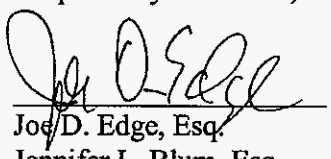
[22] *Effective Disaster Warnings* at 24.
[23] *Saving Lives with an All-Hazard Warning Network*, U.S. Dept. of Agriculture, FEMA, and U.S. Dept. of Commerce, http://www.nws.noaa.gov/om/all-haz/all-haz1.htm, December 1999.
[24] *Id.*

expand the reach of these warnings significantly. These systems will ensure that warnings are sent and that they are received by the broadest possible audience today.

Second, the federal government should study those technologies that might best be used to expand further the reach of the existing dissemination systems. These "last mile" products will develop in the private marketplace, with or without government support, if there is confidence in the effectiveness of EAS and the NOAA Network as the underlying dissemination system.

Respectfully submitted,



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